



Board of Commissioners of Cook County
Report of the Finance Subcommittee on Litigation

Tuesday, March 11, 2014

11:00 AM

*Cook County Building, Board Room, Room 569
118 North Clark Street, Chicago, Illinois*

SECTION 1

ATTENDANCE

Present: Chairman Silvestri, Vice Chairman Fritchey, Gainer, Schneider, Suffredin and Tobolski (6)

Also Present: Commissioners Daley, Moore and Steele; David R. Condrón and Jeff McCutcheon – Assistant States Attorneys; Paul O’Grady-Attorney-at-Law, Peterson, Johnson & Murray LLC; John N. Hourihane, Jr. – Attorney-at-Law, Murphy & Hourihane, LLC

Absent: Collins (1)

Court Reporter: Anthony W. Lisanti, C.S.R.

PUBLIC TESTIMONY

Chairman asked the Secretary to the Board to call upon the registered public speaker, in Accordance with Cook County Code, Sec. 2-107(dd).

1. George Blakemore, Concerned Citizen

Commissioner Gainer, seconded by Commissioner Suffredin, moved to enter into Executive Session. The motion carried.

Commissioner Schneider seconded by Vice Chairman Fritchey, moved to return to Regular Session. The motion carried.

Commissioner Gainer, seconded by Commissioner Schneider moved to receive and file the Case Status Report. The motion carried.

Commissioner Suffredin, seconded by Vice Chairman Fritchey, moved to authorize invoice payments for special counsels in Tab #1 through Tab #6 in Volume 2 which are in compliance with Cook County’s Attorney-Fee Guidelines.

Commissioner Suffredin, seconded by Commissioner Schneider, moved to Concur with the Recommendation of the State’s Attorney’s Office in the matter of *Macon v. Anthony, et al.* (Communication 10 L 12835). The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Commissioner Collins (1)

13-2213

Sponsored by: LARRY SUFFREDIN, JOHN A. FRITCHEY, BRIDGET GAINER, TIMOTHY O. SCHNEIDER and PETER N. SILVESTRI

PROPOSED RESOLUTION FOR FILE ID 13-2213

Creating "Accountability Charges" for Violations of the Shakman Consent Decree

WHEREAS, violations of the Shakman Consent Decree cost Cook County over \$600,000 in Fiscal Year 2013 and millions of dollars in previous fiscal years; and

WHEREAS, payments for violations of the Shakman Consent Decree are deducted from the Cook County Self-Insurance Fund; and

WHEREAS, there is no financial penalty to individual departments that violate the Shakman Consent Decree; and

NOW THEREFORE BE IT RESOLVED, that the Finance Committee's Subcommittee on Litigation of the Cook County Board of Commissioners approves a plan to assess an "Accountability Charge" against any Department that is found to be in violation of the Shakman Consent Decree in Fiscal Year 2014 and future years for any action occurring after January 1, 2014; and

BE IT FURTHER RESOLVED, that the "Accountability Charge" approved plan includes a deduction in the operating funds of the Department in the amount of two percent (2%) of the total amount assessed for the violation of the Shakman Consent Decree and the deducted funds shall be transferred to the Cook County Self Insurance Fund.

| | | |
|------------------------------|----------|--|
| Legislative History : | 11/13/13 | Board of Commissioners referred to the Finance Committee |
| Legislative History : | 12/4/13 | Finance Committee referred to the Finance Subcommittee on Litigation |
| Legislative History: | 02-18-14 | Finance Subcommittee on Litigation deferred |

PROPOSED SUBSTITUTE RESOLUTION

Sponsored by: THE HONORABLE LARRY SUFFREDIN, JOHN A. FRITCHEY, BRIDGET GAINER, TIMOTHY O. SCHNEIDER and PETER N. SILVESTRI, COOK COUNTY COMMISSIONERS

Creating "Accountability Charges" for Violations of the Shakman Consent Decree

WHEREAS, alleged violations of the Shakman Consent Decree cost Cook County over \$600,000 in Fiscal Year 2013 and millions of dollars in previous fiscal years; and

WHEREAS, payments for alleged violations of the Shakman Consent Decree may be deducted from the Cook County Self-Insurance Fund; and

WHEREAS, there is no financial penalty to individual departments for settlements related to Shakman Consent Decree violations; and

NOW THEREFORE BE IT RESOLVED, if the Finance Committee's Subcommittee on Litigation ("Subcommittee on Litigation") approves settlement of an alleged Shakman Consent Decree violation that has occurred on or after January 1, 2014, the Subcommittee on Litigation shall also determine and approve if warranted, an "Accountability Charge" against any Department that is found to be in violation of the Shakman Consent Decree, however, no approved "Accountability Charge" by the Subcommittee on Litigation shall be in an amount greater than two percent (2%) of the approved settlement amount; and

BE IT FURTHER RESOLVED, that "Accountability Charges" may not be applied to settlements alleging Shakman Consent Decree violations that have occurred prior to January 1, 2014; and

BE IT FURTHER RESOLVED, that if the Subcommittee on Litigation approves an "Accountability Charge," against a Department or Departments, the Chair of the Subcommittee on Litigation along with the members of the Subcommittee on Litigation approving the "Accountability Charge" shall submit a request to the Cook County Board of Commissioners to transfer the value of the "Accountability Charge" from the operating funds of the Department(s) issued the "Accountability Charge" to the account that was charged for the violation Cook County Self Insurance Fund.

A motion was made by Commissioner Suffredin, seconded by Vice Chairman Fritchey, that this Resolution be recommended for approval as substituted. The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Collins (1)

This Resolution was recommended for approval as substituted. The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Collins (1)

ADJOURNMENT

A motion was made by Vice Chairman Fritchey, seconded by Commissioner Schneider, that to adjourn the meeting. The motion carried by the following vote:

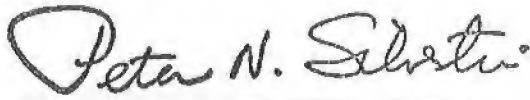
Aye: Chairman Silvestri, Vice Chairman Fritchey, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Collins (1)

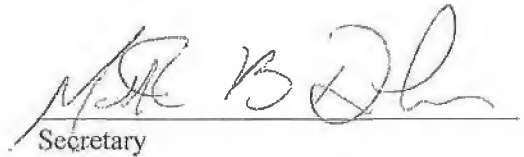
SECTION 2

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTERS NAMED HEREIN:**

Respectfully submitted,



Chairman


Secretary

*A video recording of this meeting is available on the Office of the Secretary to the Board's website on the Video Page at <http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/>.